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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	CURTISS III et al
Serial No.:	10/620,777
Filed:	July 15, 2003
Entitled:	RECOMBINANT BACTERIAL SYSTEM WITH ENVIRONMENTALLY LIMITED VIABILITY

Art Unit: 1645

Examiner:

Attorney Docket No.: MEG-207.1 US-1

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith are: [X] an Information Disclosure Statement (8 pages), with a modified Form 1449 (6 pages); [X] a return receipt postcard, to be filed in the above-identified patent application.

**FEE FOR ADDITIONAL CLAIMS**

- [X] A fee for additional claims is not required.  
[ ] A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	--	--	0	\$50	= 0.00
INDEPENDENT	--	--	0	\$200	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				\$360	= 0.00
<b>TOTAL FEES DUE</b>					<b>= 00.00</b>

**PAYMENT OF ADDITIONAL FEES**

- [ ] A check in the amount of \$\_\_\_\_ in payment of the fee for additional claims is transmitted herewith.  
[ ] Please charge \$\_\_\_\_ to Deposit Account No. 50-0268 in payment of the fee for additional claims.  
A duplicate copy of this transmittal letter is transmitted herewith.

- ☐ A check including the amount of \$\_\_\_ in payment of the fee for the submission of an Information Disclosure Statement is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

### **PETITION FOR EXTENSION OF TIME**

- ☐ Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the Response filed herewith:
- ☐ \$120.00 for response within first month pursuant to 37 CFR 1.17(a)(1);
  - ☐ \$450.00 for response within second month pursuant to 37 CFR 1.17(a)(2);
  - ☐ \$1,020.00 for response within third month pursuant to 37 CFR 1.17(a)(3);
  - ☐ \$1590.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);
  - ☐ \$2160.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- ☐ A check including the amount of ☐ \$120.00 ☐ \$450.00 ☐ \$1,020.00 ☐ \$1590.00 ☐ \$2160.00 in payment of the extension fee is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate of this transmittal letter is submitted herewith.

Respectfully submitted,



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### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

January 28, 2005

Date



Nasim G. Memon



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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants submit this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office. This application is a Continuation of U.S. patent application Serial Number 08/761,769 filed on December 6, 1996. The '769 patent application is a Continuation In Part of patent application 08/473,789 filed on June 7, 1995.

A modified Form PTO-1449 listing the cited documents is also enclosed. Copies of all these cited references have been provided to the USPTO in the above-mentioned patent applications. This Statement is being submitted before the first Office Action on the merits. Pursuant to 37 C.F.R. § 1.97(b)(3), no fee is believed to be required with this submission.

**US Patents**

US 4,190,495; issued February 26, 1980, Curtiss;  
US 4,968,619; issued November 6, 1990, Curtiss;  
US 5,190,931; issued March 2, 1993, Inouye;  
US 5,681,745; issued October 28, 1997, Szafranski et al; and  
US 5,702,916; issued December 30, 1997, Molin, et al.

**Foreign Patent Documents:**

EP 0381706 B1 published April 26, 1995, Curtiss.

**Other Documents – Non-Patent Literature – Publications:**

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Control of the Major Escherichia coli Cold Shock Promoter cspA", Appl. Environ. Micro., 62(4) :1444-1447 (1996)

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Yarrington et al., "Dual-Origin Plasmid Vectors whose Origin of Replication is Controlled by the Coliphage Lambda Promoters PL" Gene, 28:293-300 (1984)

Young, "Bacteriophage Lysis: Mechanism and Regulation", Microbiol. Rev., 56:430-481

Applicants do not intend to represent that any of the documents listed herein is material prior art to this invention or that the list represents an exhaustive search of documents related to this invention.

Applicants respectfully request that this list of documents herein be considered and made of record in this application.

Respectfully submitted,



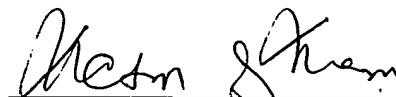
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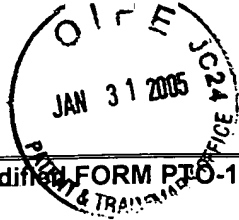
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Date



Nasim G. Memon



Modified FORM PTO-1449	ATTY. DOCKET NO. MEG-207.1 US-1	SERIAL NO. 10/620,777
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	APPLICANT  Roy CURTISS III	
Sheet 1 of 6	FILING DATE July 15, 2003	GROUP 1645

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,190,495	2/26/80	Curtiss			
	AB	4,968,619	11/6/90	Curtiss			
	AC	5,190,931	3/2/93	Inouye			
	AD	5,681,745	10/28/97	Szafranski, et al.			
	AE	5,702,916	12/30/97	Molin, et al.			
	AF						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	TRANSLATION YES NO
	AG	EP 0381706 B1	4/26/1995	Curtiss			
	AH						

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AI	Barrett, <u>Textbook of Immunology</u> , Fourth Edition, (C. V. Mosby Co., St. Louis, MO, 1983)
	AJ	Bienkowska-Szewczyk et al., "The R Gene Product of Bacteriophage $\lambda$ ", <u>Mol. Gen Genet.</u> , 184:111-114 (1981)
	AK	Bochner et al., "Positive Selection for Loss of Tetracycline Resistance", <u>J. Bacteriol.</u> , 143:926 (1980)
	AL	Brosius, "Plasmid Vectors for the Selection of Promoters", <u>Gene</u> , 27:151-160 (1984)
	AM	Cardenas and Clements, "Oral Immunization Using Live Attenuated <i>Salmonella</i> spp. as Carriers of Foreign Antigens", <u>Clinical Micro. Rev.</u> , 5(3) :328-342 (1992)
	AN	Cardineau and Curtiss, "Nucleotide Sequence of the <i>asd</i> Gene of <i>Streptococcus mutans</i> ", <u>J. Bio. Chem.</u> , 262:3344-3353 (1987)
	AO	Chatfield et al., "Construction of a Genetically Defined <i>Salmonella typhi</i> Mutant for the Engineering of a Candidate Oral Typhoid-Tetanus Vaccine", <u>Vaccine</u> , 10:53-60 (1992)
	AP	Chatfield et al., "The Development of Oral Vaccines Based on Live Attenuated <i>Salmonella</i> Strains", <u>FEMS Immunol. Med. Microbiol.</u> , 7:1-7 (1993)
	AQ	Christie, et al., "Synthetic Sites for Transcription Termination and a Functional Comparison with Tryptophan Operon Termination Sites <i>In Vitro</i> ", <u>Proc. Natl. Acad. Sci. USA</u> , 78:4180-4184 (1981)

AR	Clements, "Use of Attenuated Mutants of <i>Salmonella</i> as Carriers for Delivery of Heterologous Antigens to the Secretary Immune System", <u>Pathol. Immunopathol. Res.</u> , 6:137-146 (1987)
AS	Cornelis, "Yersiniae, Finely Tuned Pathogens", <u>Molecular Biology of Bacterial Infections</u> (Cambridge University Press, Cambridge, 1992)
AT	Curtiss, III. "The Release of Genetically-Engineered Microorganisms", <u>Proceedings of the First International Conference on the Release of Genetically-Engineered Microorganisms</u> (Sussman et al. editors., Academic Press, pp. 7-19, 1988.
AU	Curtiss, "Genetic Manipulation of Microorganisms: Potential Benefits and Biohazards", <u>Ann. Rev.</u> , 30:507-533 (1976)
AV	Curtiss et al., "Research on Bacterial Conjugation with Mini-Cells and Minicell-Producing <i>E. Coli</i> Strains", <u>Microbial Drug Resistance</u> , 3:169-183 (1982)
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